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 12 Attorneys for DICK/MORGANTI; DICK CORPORATION; THE MORGANTI GROUP, INC.;
 13 AMERICAN CASUALTY COMPANY OF READING, PA; and NATIONAL UNION FIRE
 INSURANCE COMPANY OF PITTSBURGH, PA

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

16 UNITED STATES of AMERICA for the Use
 and Benefit of WEBCOR CONSTRUCTION,
 17 INC. dba WEBCOR BUILDERS, and
 WEBCOR CONSTRUCTION, INC. dba
 18 WEBCOR BUILDERS,

19 Plaintiffs,
 vs.

20 DICK/MORGANTI, a joint venture; DICK
 CORPORATION; THE MORGANTI
 GROUP; AMERICAN CASUALTY
 COMPANY OF READING, PA;
 NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA, and
 25 DOES 1 through 10, inclusive,

26 Defendants.

Case No.: 3:07-CV-02564-CRB

**JOINT STIPULATION FOR
CONTINUANCE OF HEARING ON
MOTION TO DISMISS FOR FAILURE
TO STATE A CLAIM AND MOTION
FOR A MORE DEFINITE STATEMENT**

Judge: Hon. Charles R. Breyer

27 AND ALL RELATED COUNTER-CLAIMS
 28 AND THIRD PARTY COMPLAINTS.

1 IT IS HEREBY STIPULATED jointly by the parties hereto through their respective
 2 counsel as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;
 5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;
 6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
 7 ("Defendants") filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and
 8 Motion for a More Definite Statement ("Motions") in response to the Complaint filed by Plaintiff
 9 United States of America for the use and benefit of Webcor Construction Inc. ("Plaintiff"); and

10 2. The hearing for the Motions was originally scheduled for February 22, 2008 and
 11 was, per the parties' stipulation and the Court's February 11, 2008 Order, continued to March 21,
 12 2008 at 10:00 a.m.; and

13 3. Defendants and Plaintiff are currently finalizing an agreement which would make
 14 the Motions unnecessary and moot; and

15 4. Plaintiff's current deadline to file an opposition to the Defendants' Motions is
 16 February 29, 2008; and

17 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions
 18 unnecessary and moot, and inform the Court of their final agreement on or before March 28,
 19 2008.

20 **NOW THEREFORE:**

21 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and
 22 the corresponding opposition and reply dates so that they may finalize their agreement regarding
 23 the Motions; and

24 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed
 25 herewith which continues the hearing for the Motions from March 21, 2008 at 10:00 a.m. to
 26 April 18, 2008 at 10:00 a.m.

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1 IT IS SO STIPULATED.

2 AGREED TO BY:

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4 Dated: February 28, 2008

PECKAR & ABRAMSON, P.C.

5
6 By:
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Raymond M. Buddie (SBN 121353)
Rick W. Grady (SBN 235976)
Attorneys for Defendants
DICK/MORGANTI; DICK
CORPORATION; THE MORGANTI
GROUP, INC., AMERICAN CASUALTY
COMPANY OF READING, PA; and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

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13 Dated: February 28, 2008

BOWLES & Verna LLP

14
15 By:
16

Richard T. Bowles
Kenneth G. Jones
Michael Connolly
Attorneys for Plaintiff, UNITED STATES
OF AMERICA for the Use and Benefit of
WEBCOR CONSTRUCTION, INC. DBA
WEBCOR BUILDERS

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